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U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST LOUIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LAKYSHA MORRIS
NAME OF THE PLAINTIFF

- VS -

MCCORMACK BARON
RAGAN

Case No.

JURY TRIAL DEMANDED

YES ☒ NO ☐

NAME OF THE DEFENDANT OR
DEFENDANTS (Enter above the full name(s) of
ALL defendant(s) in this lawsuit. Please
attach additional sheets if necessary.

EMPLOYMENT DISCRIMINATION COMPLAINT

1. This employment discrimination lawsuit is based on (check only those that apply):

X

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, *et seq.*, for employment discrimination on the basis of race, color, religion, gender, or national origin.
NOTE: *In order to bring suit in federal district court under Title VII, you must first obtain a right-to-sue letter from the Equal Employment Opportunity Commission.*

Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §§ 621, *et seq.*, for employment discrimination on the basis of age (age 40 or older).
NOTE: *In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.*

American with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12101, *et seq.*, for employment discrimination on the basis of disability.
NOTE: *In order to bring suit in federal district court under the American with Disabilities Act, you must first obtain a right-to-sue letter from the Equal Employment Opportunity Commission.*

Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 701, et seq., for employment discrimination on the basis of a disability by an employer which constitutes a program or activity receiving federal financial assistance.

NOTE: In order to bring suit in federal district court under the Rehabilitation Act of 1973, you must first file charges with the appropriate Equal Employment Office representative or agency.

Other (Describe)

PARTIES

2. Plaintiff's name: LAKYSHA MORRIS

Plaintiff's address: 121608 MARKAILE
Street address or P.O. Box

St. Louis MO 63146
City/ County/ State/Zip Code

314-556-3305
Area code and telephone number

3. Defendant's name: McCORMACK BARON

Defendant's address: 720 Olive Street
Street address or P.O. Box

St. Louis, MO 63101
City/County/State/ Zip Code

314-421-1160
Area code and telephone number

NOTE: IF THERE ARE ADDITIONAL PLAINTIFFS OR DEFENDANTS, PLEASE PROVIDE THEIR NAMES, ADDRESSES AND TELEPHONE NUMBERS ON A SEPARATE SHEET OF PAPER.

NATURE OF THE CASE

10. The conduct complained of in this lawsuit involves (check only those that apply):

☐ failure to hire me

☐ termination of my employment

☒ failure to promote me

☐ failure to accommodate my disability

☐ terms and conditions of my employment differ from those of similar employees

☒ retaliation

☒ harassment

☒ other conduct (specify): DEFAMATION OF CHARACTER

Did you complain about this same conduct in your charge of discrimination?

☒ Yes

☐ No

4. If you are claiming that the discriminatory conduct occurred at a different location, please provide the following information:

N/A
(Street Address) (City/County) (State) (Zip Code)

5. When did the discrimination occur? Please give the date or time period:

SEPTEMBER 2009 - July 2011

ADMINISTRATIVE PROCEDURES

6. Did you file a charge of discrimination against the defendant(s) with the Missouri Commission on Human Rights?

☒ Yes Date filed: APRIL 2010
☐ No

7. Did you file a charge of discrimination against the defendant(s) with the Equal Employment Opportunity Commission or other federal agency?

☒ Yes Date filed: DECEMBER 2011
☐ No

8. Have you received a Notice of Right-to-Sue Letter?

☒ Yes ☐ No

If yes, please attach a copy of the letter to this complaint.

N/A

9. If you are claiming age discrimination, check one of the following:

☐ 60 days or more have passed since I filed my charge of age discrimination with the Equal Employment Opportunity Commission.

☐ fewer than 60 days have passed since I filed my charge of age discrimination with the Equal Employment Opportunity Commission.

11. I believe that I was discriminated against because of my (check all that apply):

- ☒ race
☐ religion
☐ national origin
☒ color
☐ gender
☐ disability
☐ age (my birth date is: _____)
☐ other: _____

Did you state the same reason(s) in your charge of discrimination?

☒ Yes ☐ No

12. State here, as briefly and clearly as possible, the essential facts of your claim. Describe specifically the conduct that you believe is discriminatory and describe how each defendant is involved in the conduct. Take time to organize your statement; you may use numbered paragraphs if you find it helpful. It is not necessary to make legal arguments, or to cite cases or statutes.

see attached

(Attach additional sheets as necessary).

13. The acts set forth in paragraph 12 of this complaint:

_____ are still being committed by the defendant.

_____ are no longer being committed by the defendant.

✓ _____ may still be being committed by the defendant.

REQUEST FOR RELIEF

State briefly and exactly what you want the Court to do for you. Make no legal arguments;
cite no cases or statutes.

I would like for the court to give
me a fair hearing.

Signed this 6 day of April, 2012

Rahysha M.
Signature of Plaintiff

My complaint is with Diane Benz, Lisa Beffa, Mary Long and McCormack Baron Ragan.

September 2009 – I was hired as full-time employee. Title was leasing consultant, job responsibilities were activity coordinator. Work at Allen Market Lane senior apartments under Doreather Lampkin (property manager) I and worked several days a week at Hamilton Apartments under Theraso Campbell (property manager).

Lampkin stated to Diane Benz that she wants to train me to be a property manager because she believes that I have potential. Benz stated that I don't look like a property manager and said "We are looking for a new look" Every manager hired since then by Diane was white.

Sept 2009 thru March 2010 - Benz continues to state that she hates me and often question how I can afford the car that I drive. She made comments to other employees that my son's father must be a drug dealer because he was black and had nice material things. Benz would walk into the room and speak to white employees and not her black employees.

The treatment from Benz was so harsh that I often find myself missing work due to stress and seeking counseling. I took FMLA due to stress it was so bad. However, could not afford to quit.

March 2010 – I was out of work for three days because of a miscarriage because my job was putting a lot of stress on me. When I returned, another property manager approached me stating that Benz was spreading a rumor that I had an abortion.

April 2010- Filed a discrimination complaint with HR Vice President Mary Long against Diane Benz (Area Manager). Stating that I had been discriminated against and she slandered my name.

Lisa Beffa (Vice President, Diane Benz manager) held a meeting with me to discuss complaint. I discussed with Lisa that Diane has treated me (like other black employees) unfairly. Lisa stated that behavior was unlike Diane and she would investigate.

Beffa, Benz and Long held a meeting with me and decided to move me to another location. I will work at 6North Apartments as a leasing consultant. I felt this was retaliation because this is the same locations Benz office out of. The put my desk right outside of Benz office. My new supervisor was Carolyn Dahm, (Diane's friend) who was also white.

I told Beffa that I felt that I had been demoted and retaliated against. She stated that if I was unhappy that I should "seek other opportunities". Beffa agreed to a meeting with Benz and me. During the meeting Benz never refused any of the accusation that I made. She kept saying "I don't want to stir the pot" and "Let's move forward."

During my work period at 6 North, Diane would walk pass my work area without acknowledging me. She would invite her white employees to lunch or offer to pay, but

Lakysla M...

not for me. I accidentally left my cell phone on when I left for break and my mom was on the phone. She heard a conversation between Carolyn and Diane stating that she wishes I would leave and she hated me. She also stated that because I was black she had to pretend that she like me.

May 2010 – Property Manager, Margeret Jones, at Washington Apartments took a vacation for a week. Being that she was the only office staff at that location, Benz needed me to sit at her property while she was out. Jones asked Benz if she could train me on some of the paperwork to eliminate her work load when she returned. Benz stated to Jones that she was not to show many any of the job responsibilities. Benz has done this before. She stated to my previous manager, Lampkin, that she was not to train me because she didn't want me knowing the job.

September 2010 – Hamilton Apartments lost a manager, due to Diane's racism. For the 2nd time since I was employed. I applied for the position and did not receive a reply. The property had no manager therefore I was used to work at the property during the manager position, and not the pay and title. Diane would call me to tell me that she found the perfect candidate and she will interview her for the position. She introduced me to a white woman she felt was qualified for the position. Stating she found no one better and not recognizing my interest. When another manager position became available I contacted HR and asked what was keeping me from moving up within the company. I stated I applied for Hamilton Apts and did not get it. Soon Beffa contacted me and interviewed me for the job. Another employee stated that Diane was glad that I took the job and because McCormack Baron was soon selling the property and that would be the perfect opportunity for me to be fired.

July 2011 – I received another job offer as a property manager and left McCormack Baron.

McCormack Baron has a history of discrimination that as been over looked because employees can afford and attorney and the current employees are afraid of losing their job. During my employment I have witnessed discrimination with at least four black employees under Diane Benz.

I was told by EEOC that MCHR job was **not** to investigate the complaint. This was stated after I received my right to sue letter. However I thought the purpose of the MCHR claim was to investigate; therefore I did not get an attorney to represent my case.

There are so many other employees and residents that still continue to be treated unfairly by McCormack Baron. I realize that MBR has done so much for the community and low income families, however this should not be a reason that they can continue to let there white employee discriminate against the black ones.

Attached is an email that was sent to MCHR and EEOC from a white employee Heather Kemmling, Diane Benz friend, who noticed discrimination at MBR in hopes that the discrimination would end.

Nakysa Martin